

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer  
Gregory Scott  
Marshall Johnson  
Phyllis Reha  
Ellen Gavin

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Jason D. Topp  
Qwest Corporation  
Law Department  
200 South Fifth Street, Room 395  
Minneapolis, MN 55402

SERVICE DATE: JUN 12 2003

DOCKET NO. P-5643,421/IC-03-421

In the Matter of an Application for Approval of the March 25, 2003 Amendment to the Interconnection Agreement Between Integra Telecom of Minnesota, Inc. d/b/a Integra Telecom and InfoTel Communications and Qwest Corporation (Originally Approved in Docket No. P-5509,421/M-97-1080); Adding the Terms and Conditions for Use and the Updating by Both Parties of Qwest's Line Information Data Base (LIDB) Used by the Parties for Telephone Calling Cards and the Second Amendment Adding the Terms, Conditions and Charges for Use of Qwest's Internetwork Calling Name Delivery Service (ICNAM - Caller ID)

The above entitled matter has been considered by the Commission and the following disposition made:

**Approved, with the exceptions recommended by the Department of Commerce in its attached comments**

**This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).**

The Commission agrees with and adopts the recommendations of the Department of Commerce which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION

  
Burl W. Haar  
Executive Secretary

(S E A L)

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MINNESOTA  
DEPARTMENT OF  
COMMERCE

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MAY 15 2003

MN PUBLIC UTILITIES COMMISSION

May 14, 2003

Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, Minnesota 55101-2147

RE: In the Matter of the Application of Qwest Corporation for Approval of the Line Information Data Base Storage Agreement and Internetwork Calling Name Delivery Service Agreement as Amendments to the Interconnection Agreement with Integra Telecom of Minnesota, Inc. dba Integra Telecom and InfoTel Communications  
Docket No. P5643,421/IC-03-421

Dear Dr. Haar:

Interconnection agreements and amendments to interconnection agreements that are not arbitrated under §252 of the Federal Telecommunications Act of 1996 may be approved without hearing under Minn. Stat. §216A.03, subd. 7. The Public Utilities Commission's (Commission) Order designating interconnection agreements and amendments to interconnection agreements as subject to a standing order was issued on August 25, 2000 in Docket No. P999/CI-00-634. The use of a standing order is to apply to filings submitted on or after September 1, 2000.

As required by the Commission's August 25, 2000 Order, the Department of Commerce has reviewed and analyzed the current filing. Attached is the Minnesota Department of Commerce's Checklist for processing amendments to interconnection agreements. The Checklist reflects the Department's analysis of the issues and language that the Commission has established to meet the requirements that interconnection agreements or amendments thereto not discriminate against third parties, harm the public interest or conflict with state law.

*The petition was filed on:* March 25, 2003

*Interconnection Agreement being Amended:* P5509,421/M-97-1080 with an effective date of September 30, 1997.

*Wireless or Wireline:* Wireline

*Topic of Amendment:* The first amendment adds the terms and conditions for use and the updating by both parties of Qwest's Line Information Data Base (LIDB) used by the parties for telephone calling cards and the second amendment adds the terms, conditions and charges for use of Qwest's Internetwork Calling Name Delivery Service (ICNAM - caller ID).

*The Petition was filed by:*


Jason D. Topp, Attorney  
Qwest Corporation Law Department  
200 South 5th Street, Room 395  
Minneapolis, Minnesota 55402

*Conditions:*

The Department recommends that the Commission approve these agreements with the exception of Section 11, Successors, Assignment; Section 12, Amendments; and Section 15, Dispute Resolution; in the LIDB amendment and Section 12, Dispute Resolution, and Section 14, Assignment in the ICNAM amendment. If the companies want these sections and they do not exist in the underlying agreement, they will have to negotiate an amendment that incorporates the Commission required language and submit it for Commission approval.

The Department's analysis finds that the interconnection agreements comply with the Commission's requirements except as indicated on the attached Checklist. The Department is submitting this memorandum recommending that the Commission **approve** the amendments to the interconnection agreement either at a Commission hearing or by way of the standing order process ordered on August 25, 2000.

Sincerely,

  
ROGER SCHNEIDER  
RATES ANALYST

RS/ja  
Attachment

Company Names: Integra Telecom of Minnesota, Inc. dba Integra Telecom and InfoTel Communications and Qwest Corporation  
Docket No.: P5643,421/IC-03-421

## CHECKLIST FOR PROCESSING AMENDMENTS TO INTERCONNECTION AGREEMENTS

### ANALITICAL PROCEDURES

#### A. AMENDMENTS TO INTERCONNECTION AGREEMENTS

- X   1. Amendment modifies an approved interconnection agreement. (Identify docket and date of Order) P5509, 421/M-97-1080 effective September 30, 1997.
2. Amendment addresses language required by the Commission to meet the requirements of 47 CFR 252(e)(2) and (3).
3. The Parties have complied with the Commission's requirement for prior approval of an amendment to an interconnection agreement.<sup>1</sup> (Explain) Qwest seeks prior approval of the language in these agreements on a going-forward basis. These agreements were not previously filed with the Commission, but are now being submitted to comply with 252(a) filing requirements.
4. Amendment addresses an issue on which the Commission has established its position.
- Identify the topic:
- a) Language complies with the Commission's position. Indicate the section and page where this language is found.
- b) Language does not comply with the Commission's preference, but was negotiated and, therefore, meets the statutory requirements.<sup>2</sup> Indicate the section and page where this language is found. \_\_\_\_\_

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<sup>1</sup> In the Matter of the Application for Approval of the Agreement for Interconnection and Traffic Interchange between Cellular Mobil Systems of St. Cloud, Minnesota L.L.P. and U S WEST Communications, Inc., Docket No. P421/EM-97-437 at page 6.

<sup>2</sup> In the Matter of the Federal Court Remand of Issues Proceeding from the Interconnection Agreements Between U S WEST Communications and Sprint Spectrum, Triad Minnesota, and Cellular Mobil Systems, ORDER AFTER REMAND APPROVING NEGOTIATED LANGUAGE, P5457,421/M-99-794 dated November 24, 1999 at pages 2 and 3.

X 5. The amendments do not cover a topic on which the Commission has established a precedent.

X a. Identify the topic: The first amendment adds the terms and conditions for use and the updating by both parties of Qwest's Line Information Data Base (LIDB) used by the parties for telephone calling cards and the second amendment adds the terms, conditions and charges for use of Qwest's Internetwork Calling Name Delivery Service (ICNAM - caller ID).

X b. These amendments do not threaten the public interest, discriminate against third parties or conflict with state law.

     1) Agree (explain).

X 2) Disagree. See Checklist Item A.6. comments.

X 6. Other Comments.

The LIDB interconnection agreement was executed on August 6, 1999 and the ICNAM agreement was executed on July 9, 1999 . While Qwest previously submitted them to the Department as part of its investigation into Qwest's interconnection agreement filing practices in Docket No. P421/IC-02-197, they are only now being submitted for Commission approval. Although these agreements were not the agreements that the Department chose to use as part of its complaint, this should not suggest that Commission approval of these agreements is not necessary. The agreements selected by the Department were limited for the purposes of the contested case process in Docket No. P421/IC-02-197. It is the position of the Department that Qwest has always been obligated to file this agreements.

The Minnesota Commission reviews for approval interconnection agreements in their entirety. If, however, the Commission determines that portions of these negotiated agreements are discriminatory to non-parties or are otherwise against the public interest, the Commission has the authority to reject all or part of the agreements.

In these agreement, the Department has the following concerns: Section 11, Successors, Assignment; Section 12, Amendments; and Section 15, Dispute Resolution; in the LIDB amendment and Section 12, Dispute Resolution, and Section 14, Assignment in the ICNAM amendment do not contain the Commission required language.

The Department believes that the Minnesota Commission should take action that will ensure that the public interest and the rights of CLECs are protected, including the contracting CLEC. Moreover, since these agreements have been and continues to be in effect, the Department believes that it would be disruptive to the CLECs if the Commission were to reject the agreements in their entirety.

Company Names: Integra Telecom of Minnesota, Inc. dba Integra Telecom and InfoTel Communications and Qwest Corporation  
Docket No.: P5643,421/IC-03-421

Thus, the Department recommends that the Commission approve this agreement with the exception of Section 11, Successors, Assignment; Section 12, Amendments; and Section 15, Dispute Resolution; in the LIDB amendment and Section 12, Dispute Resolution, and Section 14, Assignment in the ICNAM amendment. If the companies want these sections and they do not exist in the underlying agreement, they will have to negotiate an amendment that incorporates the Commission required language and submit it for Commission approval.

*B. RECOMMENDATION OF THE DEPARTMENT*

  X   1. Accept the interconnection agreement/amendment.

Conditions: See Checklist Item A.6. comments.

       2. Reject the interconnection agreement/amendment. (Not subject to the standing order.)